



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,042	11/17/2003	Chih-Chieh Wu	112.P14297	1136

43831 7590 02/05/2008
BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW Evergreen Parkway, Suite 250
BEAVERTON, OR 97006

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
----------	--------------

2625

MAIL DATE	DELIVERY MODE
-----------	---------------

02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/713,042	WU, CHIH-CHIEH	
	Examiner	Art Unit	
	Jerome Grant II	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

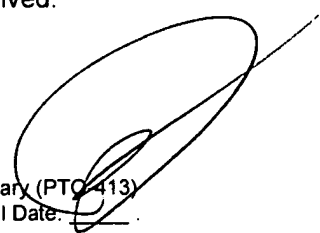
Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____ |



Detailed Action

Spelling Errors

In claim 2, second line, change -a- to “an”.

In claim 7, insert “is” between –lens—and – on--.

In claim line 4, “path is” is misspelled.

112 Rejections

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear if applicant intends that the act of scanning automatically computes a path length.

In claim 5, there is no antecedent basis for “chassis”.

In claim 7, there is no antecedent for --housing--.

Claims 2 and 3 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to teach how merely scanning a document, can produce the optical path length.

Art Rejections

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka.

With respect to claim 1, Tanaka teaches a method for correcting image data, comprising:

scanning a document D to obtain an image data, a first optical path (from document D to M1 to M2 to M3 to lens 3) and a second optical path (lens 3 to M4 to P), wherein the distance of aid first optical path is variable (see the phantom lines in figure 1) and the second path is fixed (note rigid member 4); and modifying (changing the magnification) of said image by using a linear ratio whereby magnification = $\Delta L / l_p$

where ΔL is the variable length and l_p is the fixed length.

With respect to claim 2, as best can be understood, the optical path is obtained by the fixed and variable lengths of the optical path as set forth in claim 1.

With respect to claim 4, Tanaka teaches wherein the first optical path is a distance between a first mirror M1 or M2 and a second mirror M2 or M3.

With respect to claim 6, Tanaka teaches a second optical path is a distance between said first mirror (M1, M2, M3) and a lens 3.

With respect to claim 7, Tanaka teaches wherein said lens (3) is on the housing 1 within the scanning device.

With respect to claim 8, Tanaka teaches a device for adjusting an image, comprising: a housing 4, having a lens 3, a charging element P as a charged coupled device) and a second mirror M4, wherein the distance of the second path is between the lens and mirror; and chassis 1 having a first mirror M3, M2, M1 wherein a distance of a first optical path is between said first mirror and a second mirror M4.

With respect to claim 9, the distance of the first optical path is fixed with respect to lens holder 4.

With respect to claim 10, see the phantom lines of M1, M2 and M3 that indicate variable movement.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Davidge

Tanaka teaches all of the subject matter upon which the claim depends except for one of the optical paths being defined or supported by a chassis so as to affect a variation in the optical path.

Davidge shows a plurality of mirrors disposed on Chassis 61 as shown by the top portion of Figure 1 for varying an optical path with respect to a fixed path (lens 56 to mirror 77 to slit 57).

Since Tanaka and Davidge are both directed toward variable and fixed length optical paths for reading objects, the purpose of providing a chassis for shifting a mirror position is contemplated by Davidge and would have been obvious to one of ordinary skill in the art to place the mirrors of Tanaka on a chassis as taught by Davidge for affecting a change in magnification.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a final flourish.